

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

COURTNEY LITTLE and KIMBERLY JONES, individually and as the Parents of Minor C.L., <div style="text-align: right;"><i>Plaintiffs,</i></div> v. PETER STEINHARDT and LINING & COATING SOLUTIONS, LLC; <div style="text-align: right;"><i>Defendants.</i></div>	} } } } } } } } } } } } }	No. _____ <i>JURY DEMANDED</i>
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NOTICE OF REMOVAL

Defendants Peter Steinhardt and Lining & Coating Solutions, LLC (“Defendants”), by and through undersigned counsel of record, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and the Local Rules of this Court, hereby file this Notice of Removal and seek removal of this cause of action from the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, to the United States District Court for the Western District of Tennessee, Western Division.

BACKGROUND

Plaintiffs Courtney Little, Kimberly Jones and Minor C.L. (“Plaintiffs”) filed this lawsuit in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, on October 22, 2021.¹ They allege that, on May 8, 2021, the Plaintiffs were involved in a motor vehicle accident with Defendant Steinhardt who was driving a vehicle owned by Defendant Lining & Coating Solutions, LLC. (Compl. ¶ 9.) Plaintiff has brought a negligence, negligence per se, and negligent entrustment causes of action against Defendants, which Defendants deny any liability

¹ A copy of the underlying complaint is attached and incorporated into this Notice as **Exhibit A**. Any discussion of the allegations in the Complaint herein is simply a recitation of Plaintiff’s Complaint and should not be construed as admission of any such allegations on the part of Defendants.

and/or negligence in this matter. (*see generally* Compl.). Plaintiff seeks damages in the amount over the requirement for diversity jurisdiction. (Compl. ¶ 17).

Defendant Lining & Coating Solutions, LLC was served by Plaintiffs on or about November 17, 2021.² Defendant Steinhardt was served by Plaintiffs on or about November 17, 2021.³ Defendants now seek removal of this matter to this Court for adjudication.

LAW AND ARGUMENT

I. Defendants Have Satisfied All Procedural Requirements for Removal.

On October 22, 2021, Plaintiffs commenced the above-styled civil action in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, styled as *Courtney Little, et al. v. Peter Steinhardt and Lining & Coating Solutions, LLC*, docketed at No. CT-4282-21 (the “Civil Action”). This action is currently pending in Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis.

Defendants first received a copy of the lawsuit when served (*see* Exs. B & C). All process, filings, pleadings, and/or orders served on Defendants to date, and all items received by the State Court, are attached and incorporated herein, and constitute all filings made to date in the entire case.⁴

No previous application has been made for the relief requested herein.

² A copy of the Returned Summons on Defendant Lining & Coating Solutions, LLC is attached and incorporated into this Notice as **Exhibit B**.

³ A copy of the Returned Summons on Defendant Peter James Steinhardt is attached and incorporated into this Notice as **Exhibit C**.

⁴ A copy of the state court docket with all pleadings, process, motions, notices, and/or orders are attached and incorporated into this Notice as **Exhibit D**.

Pursuant to 28 U.S.C. § 1446(d), Defendants will provide contemporaneous written notice to Plaintiffs, and Defendants will file the attached Notice of Filing of Notice of Removal with the Clerk of the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis.⁵

II. Removal is Proper Because This Court Has Subject Matter Jurisdiction Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

This Court has subject matter jurisdiction under 28 U.S.C. § 1332 as this is a civil action where the amount in controversy exceeds \$75,000.00, exclusive of costs and interest, and is between citizens of different states.

A) Complete Diversity of Citizenship Exists Between the Plaintiff and Defendants

The parties are completely diverse. Plaintiffs alleges they are residents of Crittenden County, Arkansas (Compl. ¶ 1.) Conversely, Defendant Lining & Coating Solutions, LLC is not a Tennessee resident. Defendant Lining & Coating is, as alleged in the Complaint, a Mississippi Limited Liability Company, and its principal place of business is located in Greenwood, MS where it operates and coordinates its operations. (Id. ¶ 3.) Similarly, Defendant Steinhardt is an adult citizen and resident of Florida, and at no time has Defendant Steinhardt ever been a resident of Tennessee. (Id. ¶ 2).

B) Removal of this Action is Timely

Defendants received a copy of the Complaint of the Civil Action to be removed on November 17, 2021 with respect to both Defendant Steinhardt and Defendant Lining & Coating. (See Exs. B & C.) This Notice of Removal is timely as it is being filed within thirty (30) days of service. See 28 U.S.C. § 1446(b)(2)(B) (“Each Defendants shall have 30 days after receipt by or service on that Defendants of the initial pleading or summons . . . to file the notice of removal.”).

⁵ A copy of the Notice to the State Court is attached and incorporated into this Notice as **Exhibit E**.

Further, Defendants have done nothing in the Civil Action in the State Court that would in any way affect this Court's removal and subject matter jurisdiction over this matter.

C) Venue is Proper

Venue of this removal action is proper pursuant to 28 U.S.C. § 1441(a) as this Court is the United States District Court for the district and division where the Civil Action is pending.

D) The Amount in Controversy Requirement is Satisfied

Plaintiffs allege damages in an amount of over \$300,000, which would be in excess of \$75,000. (*See* Compl. "Prayer for Relief") "To ensure that diversity jurisdiction does not flood the federal courts with minor disputes, § 1332(a) requires that the matter in controversy in a diversity case exceed a specified amount, currently \$75,000." *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 552 (2005). The matter is removable as the damages sought exceed the jurisdictional minimum.

E) Unanimity is Met

Lastly, unanimity is satisfied. "Under the rule of unanimity, ordinarily all defendants must join in a notice of removal or the case will be remanded." *Bradley v. Md. Cas., Co.*, 382 F.2d 415, 419 (8th Cir. 1967). Plaintiffs have filed suit against Defendants who together seek removal of this matter. As such, unanimity is met.

WHEREFORE, PREMISES CONSIDERED, Defendants Steinhardt and Lining & Coating Solutions, LLC request that this Court now REMOVE this Civil Action from the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, and that further proceedings now be conducted in the United States District Court for the Western District of Tennessee, Western Division, as provided for and consistent with the laws of the United States of America.

This the 9th day of December 2021.

Respectfully submitted,

MCANGUS GOUDELOCK & COURIE, LLC

/s/ Garrett H. O'Brien

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LINING & COATING SOLUTIONS, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon all counsel of record via electronic means and/or by depositing a copy of the same in an official depository of the U.S. Mail in a postage-paid envelope addressed as follows:

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Attorney for Plaintiffs

This the 9th day of December 2021.

/s/ Garrett H. O'Brien
GARRETT H. O'BRIEN